

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Box **PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a [ ] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/253,057 filed on February 19, 1999, for FACILITATING ELECTRONIC COMMERCE THROUGH TWO-TIERED ELECTRONIC AUCTIONS (as amended), by the following named inventor(s):

- (a) Full Name Thomas G. Woolston  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

[X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[ ] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

[ ] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

[ ] Applicant(s) hereby request(s) that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

- ☒ Applicant(s) suggest(s) Figure 12 for inclusion on the front page of the patent application publication and patent.
1. ☒ Enclosed is a copy of the prior Application No. 09/253,057 as originally filed on February 19, 1999, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☒ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00
Total Claims	40	MINUS 20 =	20	× \$18.00 =	360.00
Independent Claims	2	MINUS 3 =	-0-	× \$80.00 =	-0-
If multiple dependent claims are presented, add \$270.00					-0-
Total Application Fee					1,070.00
If small entity status is claimed, subtract 50% of Total Application Fee					535.00
Add Assignment Recording Fee of if Assignment document is enclosed					-0-
TOTAL APPLICATION FEE DUE					\$535.00

5. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$ 535.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☐ Cancel in this application original claims \_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. ☒ Amend the specification by inserting before the first line the sentence: --This application is a ☐ continuation, ☒ divisional, of Application No. 09/253,057, filed

February 19, 1999, which is a divisional of U.S. Patent Application Serial No. 09/166,779 filed October 6, 1998, which is a divisional of U.S. Patent Application Serial No. 08/554,704 filed November 7, 1995, now U.S. Patent Application Serial No. 5,845,265, issued December 1, 1998, which is a continuation-in-part of U.S. Patent Application Serial No. 08/427,820 filed April 26, 1995.--

10. ☐ New drawings are enclosed.
11. ☐ Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed
  - ☐ was filed on \_ in prior Application No. \_\_, filed on \_\_, and acknowledged by the Examiner on \_ in Paper No. \_
  - ☐ has not yet been filed.
12. ☒ A preliminary amendment is enclosed.
13. ☐ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed is a Submission of Formal Drawings.
16. ☒ The power of attorney in the prior application is to R. Danny Huntington, Reg. No. 27,903; Richard J. McGrath, Reg. No. 29,195; John C. Phillips, Reg. No. 35,322; and Thomas G. Woolston, Reg. No. 40,235.
- a. ☒ The power appears in the original papers in the prior application.
  - b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  - c. ☐ Recognize as Associate Attorney \_.
  - d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Richard J. McGrath  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: February 9, 2001

By: 

Richard J. McGrath  
Registration No. 29,195

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

- ☐ inventor(s)
- ☐ assignee of complete interest
- ☒ attorney or agent of record
- ☐ filed under 37 C.F.R. § 1.34(a)

#3 ~~#2~~ ~~Q~~  
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4/20/01  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	Attention: <b>DRAFTING BRANCH</b>
	)	
Thomas G. Woolston	)	Allowed: N/A
	)	
Application No.: Unassigned	)	Batch: N/A
	)	
Filed: February 9, 2001	)	Group Art Unit: 2165
	)	
For: <b>FACILITATING ELECTRONIC</b>	)	Examiner: Thompson, Jr. F.
<b>COMMERCE THROUGH TWO-TIERED</b>	)	
<b>ELECTRONIC TRANSACTIONAL</b>	)	
<b>SYSTEM (as amended)</b>	)	

**SUBMISSION OF FORMAL DRAWINGS**

**Box Issue Fee**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**ATTN: OFFICIAL DRAFTSMAN**

Sir:

Enclosed please find 13 sheet(s) of formal drawings for review by the Patent and Trademark Office in connection with the Request for Filing Continuation/Divisional Application Under 37 C.F.R. § 1.53(b) filed February 9, 2001. Should the enclosed drawings require changes, it is respectfully requested that the Patent and Trademark Office notify the undersigned of same.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

  
Richard J. McGrath  
Registration No. 29,195

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: February 9, 2001